



CAITLIN G. COSLETT / SHAREHOLDER
d 215.875.3057 | ccoslett@bm.net

July 7, 2022

VIA ECF

The Honorable Mitchell S. Goldberg
United States District Court
Eastern District of Pennsylvania
601 Market Street
Philadelphia, PA, 19106

Re: United States, ex rel. Behnke v. CVS Caremark Corp., No. 14-cv-00824

Dear Judge Goldberg:

Relator writes to request that the Court allow the noticed Rule 30(b)(6) depositions of Caremark, CVS Pharmacy, SilverScript, and Aetna to occur after the July 15, 2022 close of fact discovery (ECF 192). As noted below, counsel for Defendant Caremark and non-parties CVS Pharmacy, SilverScript, and Aetna (the same attorneys represent all these entities) do not oppose this request.

Caremark's 30(b)(6) deposition was scheduled for June 28, 2022 but is currently on hold pending the Court's resolution of the parties' dispute as to the scope of that deposition, which is set forth in ECF 224.

The CVS Pharmacy, SilverScript, and Aetna depositions are currently scheduled for July 12 (SilverScript), July 13 (CVS Pharmacy), and July 15 (Aetna). However, there are a number of significant disputes about the scope of each of these three depositions, disputes that the parties are working to present to the Court in joint submissions on Friday, July 8 (as to CVS Pharmacy and SilverScript) and on Monday, July 11 (or July 12) (as to Aetna). Taking these depositions before this Court resolves their scope, however, would waste time and resources, and would likely lead to further disputes given that the parties do not agree even as to the scope of the few topics for which these entities have agreed to provide testimony.

Relator understands and anticipates that the Court may not be able to fully resolve these disputes before the scheduled July 12, 13, and 15 depositions, and therefore respectfully requests leave to take these depositions after July 15, 2022, after the Court addresses the disputes regarding the scope of these depositions. Relator believes that this would also require an adjustment to the schedule, as Relator has sought, *see* ECF 226, or at a minimum providing that expert reports are due 28 days after the completion of all depositions as provided for by the current schedule (ECF 192), with other dates similarly adjusted to provide the same intervals between deadlines as provided by the current schedule.

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Counsel for Caremark, CVS Pharmacy, SilverScript, and Aetna consent to allowing these depositions to proceed after July 15, 2022 but oppose any other adjustment to the schedule.

We are available for a call at the Court's convenience.

Respectfully,

/s/ Caitlin G. Coslett

cc All counsel of record